

Attachment 2 - EEOC Complaint Form

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
San Antonio DIVISION

FILED

AUG 22 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTYAlton Crain
(Name of plaintiff or plaintiffs)

SA16CA0832 XR

Civil Action Number:

v.

(Case Number to be supplied
by the Intake Clerk)Judson Independent
School District
(Name of defendant or defendants)COMPLAINT

1. This action is brought by Alton Crain, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☒ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant Judson ISD (Defendant's name) lives at, or its business is located at 8012 Shin Oak Drive (street address), Live Oak (city), Texas (state), 78233 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 8439 Athenian (street address), Universal City (city), Texas (state), 78148 (zip).

☐ Disability (If applicable, state disability) _____

☒ Prior complaint of discrimination or opposition to acts of discrimination. (Retaliation) (If applicable, explain events of retaliation) Plaintiff opposed discriminatory bias in pay, work hrs & flexibility among similar situated equally qualified protected class members. Plaintiff and witnesses were retaliated against through termination and harassment after formal grievance process.
The defendant: (please select all that apply)

☐ failed to employ plaintiff.

☒ terminated plaintiff's employment.

☐ failed to promote plaintiff.

☐ harassed plaintiff.

☒ other (specify) JISD terminated the plaintiff and witness after participating in JISD formal grievance process in Aug 2014. Females and Non protected class similar situated staff received pay, hours, and flexibility denied to the plaintiff retaliating against the plaintiff after Back pay was requested/received.

8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

5/23/09, Plaintiff harassed accused of unfair treatment & demanded resignation

5/25/10, Plaintiff harassed and stealing time, micromanaged, of fraud & defamed

8/09/12, Adverse action taken against Plaintiff forced to resign or accept 9 dollars an hr when 2014 is Prof rate

8/25/13 Formal JISD Grievance filed requesting back pay which was awarded 8-14-14

8/24/14 Plaintiff is terminated and told no staff allowed to work in After school program after 2:30.

Deceptively - JISD staff (HR) told TWC the Plaintiff was employed while while allowing certain non-protected class pay, hrs, and flexibility denied to the Plaintiff immediately after back pay recovery & filing a formal complaint via Grievance process.

8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Alisa Craig (harassed & terminated after participating in a formal grievance)
Beverly Johnson (harassed after participating in protected activity)

8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

Exhibit A & B prove dishonesty to TWC as JISD allow Adventure Club staff to work after 230 yet excluded Plaintiff
Exhibit C Non protected class equally qualified similar student situated white female paid 2014 after protected activity

Exhibit D certain staff allowed work hrs & flexibility denied to Plaintiff after a formal complaint
Exhibit E a copy of Plaintiff's professional pay pre formal complaint via JISD process

Exhibit F Adverse action after complaints of bias, harassment and discrimination
Exhibit G Policy changed immediately after Plaintiff's back pay recovery

Exhibit H - Adventure Club JISD acknowledges Plaintiff as a professional equal to exhibit C employee yet allows non-protected class to remain employed with pay hrs and flexibility not offered to the plaintiff
Rev. Ed. April 21, 2009

Exhibit J - Plaintiff official evaluation

Exhibit K, L, M, N - EEOC Complaint

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☒ still being committed by defendant.
☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

☐ Defendant be directed to employ plaintiff.

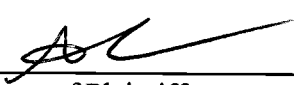
☐ Defendant be directed to re-employ plaintiff.

☐ Defendant be directed to promote plaintiff.

☒ Defendant be directed to Refrain from forcing the Plaintiff to resign/terminating the Plaintiff, exercising due process, and/or harassing/defaming the Plaintiff's professional character through negative teacher professional evaluations. Direct the defendant refrain from reassignment, resending future employment contracts ignoring Plaintiff's excellent past and present employment history. Reinstate witnesses who participated in protected activity, grant maximum recovery for intentional Retaliation, Discrimination, EPA, and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date



Signature of Plaintiff

8528 Alton Blvd

Address of Plaintiff

Selma Texas 78154
City State Zip Code

210 667 8239

Telephone Number(s)


Attachment 11 - Certificate of Service

CERTIFICATE OF SERVICE

I, Alton Crain, Plaintiff pro se, do here by certify that on the 22 Day of August, 20 16, a true and correct copy of the foregoing pleading was forwarded to Tony Resendez, the attorney for (Defendant) by (State the manner of delivery - eg. U.S. Mail; Hand Delivery; Certified Mail) at the following address: (give address of Attorney for the Defendant).

Walsh Gallegos
100 N.E. Loop 410 #900
San Antonio
Texas 78216

Dated: 8-22-16


Signature of Plaintiff